

5258. Misbranding of cottonseed meal. U. S. * * * v. The Farmers Oil & Fertilizer Co., a corporation. Plea of nolo contendere. Fine, \$50 and costs. (F. & D. No. 7673. I. S. No. 19862-1.)

On October 25, 1916, the United States attorney for the Eastern District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Farmers Oil & Fertilizer Co., a corporation, doing business at Texarkana, Tex., alleging shipment by said company, in violation of the Food and Drugs Act, on or about February 26, 1916, from the State of Texas into the State of Iowa, of a quantity of cottonseed meal which was misbranded. The article was labeled in part: "Bull Brand Cottonseed Meal * * * Analysis Protein 41 to 43% Fat 6 to 8% Crude Fibre 8 to 10% Carbohydrates 26 to 28% * * *."

Analysis of a sample of the article by the Bureau of Chemistry of this department showed the following results:

Protein (per cent) _____ 38.87

Above analysis shows the product to contain less than 41 per cent protein.

Misbranding of the article was alleged in the information for the reason that the statement regarding it and the ingredients and substances contained therein appearing on its label, to wit, "Analysis Protein 41 to 43%," was false and misleading in that it indicated to purchasers thereof that it contained not less than 41 per cent of protein; and for the further reason that the article was labeled as aforesaid, so as to deceive and mislead the purchasers into the belief that it contained not less than 41 per cent of protein, when, in truth and in fact, it contained less than 41 per cent of protein, to wit, 38.87 per cent thereof.

On November 14, 1916, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$50 and costs.

R. A. PEARSON, Acting Secretary of Agriculture.